

OProb 12B (7/93)

UNITED STATES DISTRICT COURT

FILED

for

2020 MAY 27 PM 3: 11

WESTERN DISTRICT OF TEXAS

U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Mark Edward Erhardt

Case Number: EP:12-CR-2607-KC

Name of Sentencing Judicial Officer: Kathleen Cardone, U.S. District Judge

Date of Original Sentence: July 10, 2013

Original Offense: Cts. 1-2: Receipt/Distribution of Material Involving the Sexual Exploitation of Minors, Cts. 3-4: Possessing of Material Involving the Sexual Exploitation of Minors, Ct. 4: Aiding and Abetting the Manufacture of a Controlled Substance Near A School, and Ct. 6: Maintaining A Drug Manufacturing Premises, in violation of 18 USC 2252, 21 USC 841 and 18 USC 2, and 21 USC 856

Original Sentence: 120 months imprisonment and supervised release for a term of Life, as to all counts, to be served concurrently

Type of Supervision: Supervised Release

Date Supervision Commenced: April 9, 2020

PETITIONING THE COURT

☐ To extend the term of supervision for _____ years, for a total term of _____ years.

☒ To modify the conditions of supervision as follows:

1. The defendant shall participate in the Computer Restriction/Monitoring Program (CRMP) and shall abide by all rules and requirements of the program.
2. The defendant shall submit to periodic polygraph testing at the instruction of the probation officer as a means to ensure compliance with the requirements of supervision.
3. The defendant shall not view or possess any "visual depiction" (as defined in 18 U.S.C. § 2256), including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of "sexually explicit conduct" (as defined in 18 U.S.C. § 2256).

Mark Edward Erhardt

Docket No. EP:12-CR-2607-KC

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CAUSE

On April 9, 2020, Erhardt commenced his term of supervised release. A review of the conditions imposed by Your Honor on July 10, 2013 revealed that the requested conditions were excluded. According to investigative reports prepared by the Cyber Crimes Unit of Homeland Security Investigation (HSI) and the presentence investigative report in this case, Erhardt used his personal computer and hard drive to receive (view and/or download) videos and images of sexually exploited children. Further, the investigation revealed Erhardt had utilized torrent, Edonkey, File Donkey and Shareaza internet Peer to Peer (P2P) programs, which allow users to browse, share and download material. Due to the fact the instant offense was a computer assisted crime and Erhardt has extensive knowledge of computers due to his educational background, it is respectfully requested that the noted conditions be included in this case in order to adequately monitor his computer and internet use. Said conditions will also deter Erhardt from risk of recidivism.

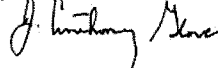
Erhardt signed the Probation Form 49, Waiver of Hearing to Modify Conditions of Supervised Release (attached).

Respectfully submitted,



Arcelia Menchaca
U.S. Probation Officer
Office (915) 585-5584
Cellular (915) 861-8468
Date: May 26, 2020

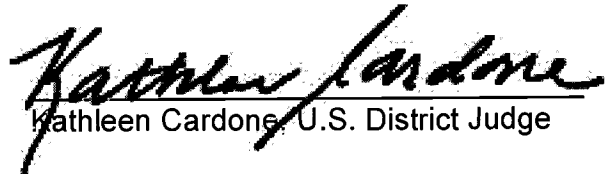
Approved by,



J. Anthony Glover
Supervising U.S. Probation Officer
Office (915) 585-6560
Cellular (915) 861-8755

THE COURT ORDERS:

- ☐ No action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other



Kathleen Cardone, U.S. District Judge

May 27, 2020

Date

PROB 49
(3/89)

RECEIVED MAY 26 2020

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXASWaiver of Hearing to Modify Conditions of
Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by Law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. The defendant shall participate in the Computer Restriction/Monitoring Program (CRMP) and shall abide by all rules and requirements of the program.
2. The defendant shall submit to periodic polygraph testing at the instruction of the probation officer as a means to ensure compliance with the requirements of supervision.
3. The defendant shall not view or possess any "visual depiction" (as defined in 18 U.S.C. § 2256), including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of "sexually explicit conduct" (as defined in 18 U.S.C. § 2256).

Witness: _____

Arcelia Menchaca
Arcelia Menchaca
Senior U.S. Probation Officer

Signed: _____

Mark Edward Erhardt
Mark Edward Erhardt
Defendant

5-28-2020

Date